

Wilmington, Delaware
June 16, 2022

#xxxx

Sponsor:
Council
Member
Darby

WHEREAS, City Charter Section 2-101 establishes the election for all thirteen members of City Council at every general presidential election cycle, resulting in the wholesale turnover of the City Council every four years; and

WHEREAS, staggered terms of office for the City Council would promote the continuity of government and retention of institutional knowledge of the legislative branch; and

WHEREAS, staggered terms of office reduce the power of voting blocs, special interest groups, or political action committees to stage a takeover or cause a drastic shift in city leadership at a single election; and

WHEREAS, pursuant to Title 22, Section 811 of the Delaware Code, a municipal corporation's home rule charter may be amended by act of the Delaware General Assembly passed with the concurrent of two-thirds of all members elected to each House thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the City Council urges the Delaware General Assembly to amend the City Charter to provide for four-year staggered terms of office.

BE IT FURTHER RESOLVED that this Council specifically requests the members of the Delaware General Assembly to amend Section 2-101 of the Wilmington City Charter by adding the underlined language and deleting the stricken language to read as follows:

Sec. 2-101. – The election of councilmenmembers; vacancies.

~~At the general election to be held on the Tuesday next after the first Monday in November, 1968, and on the same day in every fourth year thereafter on which general elections are held, one councilman shall be elected from each councilmanic district and four (4) from the city at large, together with the president of the council who shall be elected at large. Commencing with the general election of 2024, councilmembers shall be elected to serve four-year staggered terms, except as provided for in this Charter to establish staggered terms of office, and shall serve until their successors are elected and qualified. One councilmember shall be elected from each councilmanic district and four (4) from the city at large, together with the president of the council who shall be elected at large. At the general election of 2024, the offices for the president of council, the two most senior councilmembers-at-large and councilmanic districts 1, 3, 5 and 7 shall be elected to fill a four-year term. The offices for the two other councilmembers-at-large and councilmanic districts 2, 4, 6 and 8 shall be elected for an initial two-year term. Thereafter, all terms shall be four years.~~ Each elector shall have the right to vote for one district councilmanmember, the president of the council, and (3) councilmenmembers-at-large. To this end not more than three (3) candidates for councilmenmember-at-large shall be nominated pursuant to law by any party or other political body. When a vacancy occurs in the office of a councilmanmember, the city council shall certify that a vacancy exists. A vacancy-occurring more than thirty (30) days prior to the date of a primary election in which city officers are nominated shall be filled in the next succeeding general election held in the city. Councilmen elected in this manner to fill a vacancy shall take office on the first

Tuesday following their election. If a vacancy occurs in the period less than thirty (30) days before the date of a primary election or pending the election of a councilman to fill a vacancy as herein provided, the city council, by a majority vote of all its remaining members, shall appoint a qualified person to fill the vacancy until a person is elected by the voters for the unexpired term. If the vacancy occurs in the office of a district councilman ~~member~~, the new member shall come from the same councilmanic district; but if the vacancy occurs in the office of a councilman ~~member~~-at-large, the new member may come from any place in the city. Council in filling a vacancy must appoint a member of the same political party as that of the councilman whose office has become vacant. In the event of a vacancy in the office of president of council, the council shall appoint by majority vote from among its members a president of the council to fill the unexpired term. The council office of the councilman ~~member~~ so appointed president of the council shall in turn become vacant and shall be filled as herein provided for council vacancies.

All citizens qualified by the Constitution and the laws of the State of Delaware to vote in the city and who satisfy the requirements for registration prescribed by law shall be qualified to vote for the members of the city council, president of the council, the mayor, and other elected city officials. Except as otherwise provided by this Charter, the provisions of the election laws of the State of Delaware shall apply to elections held under this Charter. All elections provided for by this Charter shall be conducted by the election laws of the State of Delaware. The nomination of persons to be candidates in the general election for mayor, city

~~councilmen~~members, president of the council, and other elected city officials shall be governed by the election laws of the State of Delaware.

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: This Resolution requests the Delaware General Assembly to amend Section 2-101 of the City Charter to provide for four-year staggered terms of office for City Council.

FISCAL IMPACT: [TBD]

DRAFT